## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 1801.2.C of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.5 of the Comprehensive Manual of Development Policies (CMDP) to permit a building to tract boundary setback of 15 feet in lieu of the required 30 feet and window to tract boundary setbacks of 15 feet and 30 feet in lieu of the required 35 feet for Lot 55, and a building to tract boundary setback of 20 feet in lieu of the required 30 feet and/or the required window to tract boundary setback of 35 feet for Lot 26, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Newton A. Williams, Esquire, appeared and testified. Also appearing on behalf of the Petition were Russell Crandall, Land Development Manager for Petitioner, and George E. Gavrelis, Land Planner. There were no Protestants.

Testimony indicated that the subject properties, known as Lots 26 and 55 of Rolling Ridge, Section 1, consist of 0.320 acres and 0.344 acres, respectively, zoned D.R. 3.5, and are presently unimproved. Said lots are part of a large tract consisting of a total of 134 acres, split zoned D.R. 3.5 and D.R. 5.5 which Petitioner is attempting to develop with single family dwellings that are consistent with the architecture of the surrounding community. Petitioner was not certain at the time of filing

which model of home could be constructed on Lot 26 and requested both variances in the event both were necessary. Testimony indicated that due to the size and configuration of the subject lots, the relief requested is necessary in order to preserve the uniformity of the development. Testimony further indicated that the relief requested would not result in any detriment to the health, safety or general welfare of the surrounding community and meets the spirit and intent of the zoning regulations. Petitioner testified that it would suffer an undue hardship and practical difficulty should the requested relief be denied.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of August, 1990 that the Petition for Zoning Variance to permit a building to tract boundary setback of 15 feet in lieu of the required 30 feet and window to tract boundary setbacks of 15 feet and 30 feet in lieu of the required 35 feet for Lot 55, and a building to boundary setback of 20 feet in lieu of the required 30 feet and a window to tract boundary setback of 20 feet in lieu of the required 35 feet for Lot 26, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > Zoning Commissioner for Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

August 24, 1990

Newton A. Williams, Esquire Suite 700 Court Towers 210 W. Pennsylvania Avenue Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE N/S Lyons Mill Road, E of Marriottsville Road (Lots 26 and 55 of Rolling Ridge, Section 1) 2nd Election District - 3rd Councilmanic District Pulte Home Corporation - Petitioner Case No. 90-553-A

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> J. ROBERT HAINES Zoning Commissioner

cc: People's Counsel

File

for Baltimore County

355 PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-553. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 1801.2C. and Sec. V.R.5 of the CMDP to permit setbacks of 15' in lieu of the required 30' (building to tract boundary) and 15' and 30' in lieu of the required 35' (window to tract boundary) for lot #55 and to permit a setback of 20' in lieu of the required 30' (building to tract boundary) and/or the of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) required 35' (window to tract boundary) for lot #26.

1. Both Lots 55 and 26 are located in corners or peninsulas of the subject property running out to Lyons Mill Road rendering full compliance difficult. 2. Older lots approved under different regulations about the two lots on one or both sides with significant setbacks and the requested windows will make the improvements

3. That without the requested variances, the Petitioners will sustain practical difficulty and unreasonable hardship and the requested variances are in harmony with the spirit and intent of the Regulations by Zoming Regulations.

Property is to be posted and advertised as prescribed by Zoming Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):	
	Pulte Home Corporation	/
(Type or Print Name)	(Type or Print Name) My chae	TSchraede IVE RESIDENT
/	m out	OFSIDENT
Signature	Signature , VICE P	X
	11120 New Hampshire Avenue	
@#####################################	(Type or Print Name)	WAP NW 9.7
Address	Silver Spring, Maryland 20904	- E·1
City and State	Signature	7
		2 D
Attorney for Petitioner: Newton A. Williams, Esquire	·	DATE 4-10-9
Nolan, Plumhoff & Williams, Chtd.	Address Phone No.	200 /5
(Type or Print Name)	Voltress	100
Mustin a. Williams		1000
Signature	City and State	G-Z.C.
Suite 700. Court Towers 210 W. Pennsylvania Avenue	Name, address and phone number of legal owner,	
40>	tract purchaser or representative to be contacted	d
Address	-	
Towson, Maryland 21204	Newton A. Williams, Esquire	
City and State	Name Suite 700, Court Towers	7000
Attorney's Telephone No.:823-7800	210 W. Pennsylvania Avenue 823-	7600
	Address Phone No.	D.

Zoning Description 0.344 Acre Parcel, Lot 55. Section One. "Rolling Ridge", North Side of Lyons Mill Road, East of Marriottsville Road, Second Election District,

Land Planning & Development Consultant

Surveying

Beginning for the same on the north side of Lyons Mill Road, 75 feet wide, and at a point located North 07 degrees 02 minutes 00 seconds East 37.50 feet from a point on the center line of said Lyons Mill Road, said last mentioned point being distant 1136.96 feet, more or less, as measured South 82 degrees 58 minutes 00 seconds East along said center line from its intersection with the center line of Marriottsville Road, 60 feet wide, running from the aforementioned beginning point and binding on said north side of Lyons Mill Road. (1) South 82 degrees 58 minutes 00 seconds East 90.97 feet, thence three courses: (2) North 05 degrees 33 minutes 08 seconds East 164.72 feet, (3) North 83 degrees 09 minutes 52 seconds West 90.96 feet, and (4) South 05 degrees 33 minutes 08 seconds West 164.41 feet to the point of beginning; containing 0.344 of an acre of land, more or less.

Baltimore County, Maryland

DAFT MCCUNE WALKER, INC. 200 East Pennsylvania Avenue Towson, Maryland 21204 301 296 3333 FAX 301 296 4705

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND SHOULD NOT BE USED FOR CONVEYANCE. December 1, 1989 Our Job No. 84063.B (L84063B)

DAFT-MCCUNE-WALKER, INC. 200 East Pennsylvania Avenue Towson, Maryland 21204 301 296 3333 FAX 301 296 4705 Land Planning & Development Consultants

Zoning Description

0.320 Acre Parcel, Lot 26, Section One, "Rolling Ridge", North Side of Lyons Mill Road, East of Marriottsville Road, Second Election District,

Baltimore County, Maryland

Landscape Arch

Beginning for the same on the north side of Lyons Mill Road, 75 feet wide, and at a point located North 07 degrees 02 minutes 00 seconds East 37.50 feet from a point on the center line of said Lyons Mill Road, said last mentioned point being distant 633.02 feet, more or less, as measured South 82 degrees 58 minutes 00 seconds East along said center line from its intersection with the center line of Marriottsville Road, 60 feet wide, running from the aforementioned beginning point and binding on said north side of Lyons Mill Road, (1) South 82 degrees 58 minutes 00 seconds East 80.68 feet, thence three courses: (2) North 05 degrees 33 minutes 08 seconds East 177.95 feet, (3) North 83 degrees 09 minutes 52 seconds West 76.08 feet, and (4) South 07 degrees 02 minutes 00 seconds West 177.63 feet to the point of beginning; containing 0.320 of an acre of

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND SHOULD NOT BE USED FOR CONVEYANCE. December 1, 1989

Our Job No. 84063.B (L84063B.1)

land, more or less.

CERTIFICATE OF POSTING CONING DEPARTMENT OF BALTIMORE COUNTY yons Mill Road 633,02 and 1136.96 E

Date of return: Quyuat 3, 1990

	Baltimore County Zoning Commisione: County Office Building 111 West Chesapeaks Avenue Towson, Maryland 21204

x = 0.0720

H9000355

HUBLIC HEARING FEES 090 -COMING VARIANCE (OTHER)

1 X \$175.00

TOTAL: \$175.00

LAST NAME OF OWNER: PULTE HOME CORP B 120\*\*\*\* 17500; a \$112F

est. time - = 4 45 min

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Investigation of the County Office Building, located at 111 W. Chesapeake Avenue in Investigation of the County Office Building.

Petition for Zoning Variance Case number: 90-553-A N/S Lyons Mill Road, 633.02' & 1136.96' E of c/l Marlottsville Rd.
2nd Election District
3nd Councilmanic
Patitioner(s):
Putte Home Corporation Hearing Date: Tuesday, Aug. 21, 1990 at 2:00 p.m Variance: to permit setbacks of 15 ft. In lieu of the required 30 ft. (building to tract boundary) and 15 ft. and 30 ft. in lieu of the re-quired 35 ft. (window to tract boundary) for lot #55 and to per-mit a setback of 20 ft. in lieu of the required 30 ft. (building to tract boundary) and/or the required 35 ft. (window to tract boundary) for lot #26. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the is-

date of the hearing set above opresented at the hearing.

any request the a stay or time assumed for said permit during this period for good cause shown. Such request must be in writing and received in this office by the

## CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive 

5. Zete Orlan,

PO 106135

CERTIFICATE OF PUBLICATION

Pikesville, Md., THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly

newspaper published in Pikesville, Baltimore County, Maryland before the 12 m day of the first publication appearing on the

the second publication appearing on the \_\_\_day of the third publication appearing on the

Cost of Advertisement \$ 32 -

## Talking to Children About Anti-Semitism

dressed to NA'AMAT Woman. cemetery desecrations and inflammatory Ave., New York, NY 10016. NA'AMAT USA, sister organiza-tion to NA'AMAT Israel, is part of cused on a troubling upsurge Pioneer Women/NA'AMAT, the urope, but the problem is not organization. With 50,000 members nationwide, NA'AMAT USA supports a broad network of ent increase in anti-Semitic incidents has prompted alarm legal counseling services for women and children. In the United States, community, Of particular con-NA'AMAT USA serves as a strong cern to parents is the effect of on women's rights and child NA'AMAT USA addresses the problem in the latest issue of NA'AMAT Woman and offers

some practical advice on how to Artists Needed respond to a child who has ex-The Cultural Arts Institute is hiring music, dance and drama teachers for The article looks at several apits After-School Performing Arts In proaches to dealing with anti-**Education Program in the Baltimore** City Schools for the fall, winter and sion to community action and spring 1990-91 semesters. Interviews by appointment only. Call legal redress. Reprints are

Honest & Confidential

Appraisals & Purchases Quality Jewelry, Sterling Flatware/Holloware & Coj

Call for an appointment

**PIKESVILL** 

Coin & Jewelry Exchan

1350 Reisterstown Ro Pikesville, MD.

653-3430

BALTIMORE COUNTY ZONING COMMISSIONER OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204 NOTICE OF HEARING
The Zoning Commissioner of Bahimore
County, by authority of the Zoning Act and
Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building iocated at 111 W. Chesapeske / Maryland 21204 as follows: ariança to permit satbacks of 15 ft. in lieu of the required 30 ft. (building to tract boundary) and 15 ft. and 30 ft. in lieu of the required 35 ft. (window to tract boundary) for tot #55 and to permit a setback of 20 ft. in fleu of the required 30 ft. (building to tract boundary) and/or the In the event that this Petition is granted, & building permit may be issued within thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of

TEGAL NOTICE

Baltimore County
Zoning Commissioner
County Office Building 111 West Chesapeake Avenue
Towson, Maryland 21204

8/21/90

080 -POSTING SIGNS / ADVERTISING 1 X \$106.11 LAST NAME OF OWNER: PULTE HOME CORP

04A04#D146MICHRC BA CO01:30FK08-21-90

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines Zoning Commissioner

Pulte Home Corporation

11120 New Hampshire Avenue Silver Spring, Maryland 20904 Re: Petition for Zoning Variance

CASE NUMBER: 90-553-A N/S Lyons Mill Road, 633.02' & 1136.96' E of c/l Marriottsville Rd. 2nd Election District - 3rd Councilmanic Petitioner(s): Pulte Home Corporation

HEARING: TUESDAY, AUGUST 21, 1990 at 2:00 p.m.

Please be advised that \$\_\_\_\_ is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)
RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set

cc: Newton A. Williams, Esq.

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance CASE NUMBER: 90-553-A N/S Lyons Mill Road, 633.02' & 1136.96' E of c/l Marriottsville Rd. 2nd Election District - 3rd Councilmanic Petitioner(s): Pulte Home Corporation HEARING: TUESDAY, AUGUST 21, 1990 at 2:00 p.m.

Variance to permit setbacks of 15 ft. in lieu of the required 30 ft. (building to tract boundary) and 15 ft. and 30 ft. in lieu of the required 35 ft. (window to tract boundary) for lot #55 and to permit a setback of 20 ft. in lieu of the required 30 ft. (building to tract boundary) and/or the required 35 ft. (window to tract boundary) for lot #26.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permi during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Baltimore County

cc: Pulte Home Corporation Newton A. Williams, Esq.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

August 6, 1990



Newton A. Williams, Esquire Suite 700, Court Towers 210 W. Pennsylvania Avenue Towson, MD 21204

RE: Item No. 355, Case No. 90-553-A Petitioner: Pulte Homes Corp., et al Petition for Zoning Variance

Dear Mr. Williams:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

cc: Mr. Michael Schraeder Pulte Home Corporation 11120 New Hampshire Avenue Silver Spring, MD 20904

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines



Your petition has been received and accepted for filing this 6th day of June, 1990.

Petitioner: Pulte Home Corporation, et al Petitioner's Attorney: Newton A. Williams

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines

DATE: May 31, 1990 Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning SUBJECT: Pulte Home Corp., Item No. 355

The Petitioners request Variances to side yard setback (tract boundary) requirements for Lots 26 and 55 of Rolling Ridge.

In reference to this request, staff offers the following

- The Revised 2nd Amended CRG Plan of Rolling Ridge - Alternate #2 was approved September 28, 1989 (CRG File No. II-364). The subject lots were shown as Lots 276 and 277 on that plan.

 Strict compliance with the required tract boundary setbacks would create a hardship to the Petitioner by compromising the size of these dwellings.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Iong in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

June 6, 1990



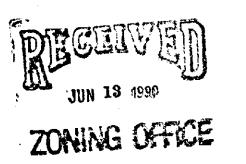
Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 355, 395, 408, 409, 410, 411, 412, 413, 414, 416, 417, 418, and 421.

Traffic Engineer Associate II

MSF/lvw



Baltimore County Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204 Dennis F. Rasmussen County Executive

PULTE HOME CORPORATION RE: Property Owner: N/S LYONS MILL ROAD Location:

Zoning Agenda: JUNE 12, 1990 Item No.: 355

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

JUNE 4, 1990

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. Chapter 22

REVIEWER: Call Tour Telly 6-5-90 Noted and Call The Prevention Buregu Fire Prevention Buregu

JK/KEK

## BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 14, 1990

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for June 12, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 355, 408, 409, 410, 411, 412, 414, 416, 417, 418 and 421.

For Item 395, the side yard as shown on the plat is 34.7 feet. The variance requested to 37 feet would not be adequate.

For Item 413, the previous County Review Group comments still apply.

ROBERT W. BOWLING, P.F., Chief Developers Engineering Division

RWB:s

